

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: **18-05823-dd**

Consent Order

The relief set forth on the following pages, for a total of 3 pages including this page, is hereby ORDERED.

**FILED BY THE COURT
06/24/2019**



David R. Duncan
Chief US Bankruptcy Judge
District of South Carolina

Entered: 06/24/2019

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

In re:)
) Case No. 18-05823-dd
) Chapter 7
Lather Construction, Inc.)
)
Debtor.)
)
_____)

CONSENT ORDER GRANTING RELIEF FROM AUTOMATIC STAY

This matter comes before the Court upon the request and motion of Richard and Rebecca Dreier, Yolanda Dreier, Jacob and Carla Emerson, John B. and Lori Gecy, Aaron and Stasha Grooms, Adam Grooms, AvaRae Hall, Michael and Cheyenne Johnson, Kenny and Kelsey Lopez, Dylan and Samantha Machado, Marvin and Maryalice Mamaril, Cory McDaniel, Thomas and Melissa McFeely, Michael and Karen Rodriguez, Sarmed and Jessica Shafi, James and Alayshia Smith, and Nicole Verstegen. (“Movants”), and D.R. Horton, Inc. for relief from the automatic stay applicable to this action for the purposes of pursuing the Debtor’s insurance coverage regarding claims asserted by the Movants and claims for contractual and equitable indemnity that will be asserted by D.R. Horton, Inc. in a lawsuit filed against the Debtor, and others, in the Court of Common Pleas for Beaufort County, Case No. 2018-CP-07-00911 (“State Action”). Movants and D.R. Horton, Inc. merely seek to pursue claims against the Debtor’s insurance coverage and do not desire to pursue deficiency claims against Debtor or its assets. The Court finds that the parties consent to allow the Court to grant the motion for relief from the automatic stay.

NOW, THEREFORE, with the consent of Counsel for the Debtor and the Chapter 7 Trustee, it is ORDERED that the request and motion to lift the automatic stay is granted, and the Movants and D.R. Horton, Inc. are permitted to pursue the State Action claims against Debtor, for purposes of pursuing recovery under the Debtor’s liability insurance coverage.

WE SO MOVE:

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/s/Alexandra Scott Williams

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WE SO CONSENT:

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Michelle Vieira

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WE SO CONSENT:

/s/ D. Nathan Davis

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WE SO CONSENT:

/s/ Rory D. Whelehan

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